

**BECKER & POLIAKOFF LLP**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Case No.: 08-01789 (BRL)

SIPA LIQUIDATION  
(Substantively Consolidated)

**NOTICE OF MOTION**

Appeal No. \_\_\_\_\_

**PLEASE TAKE NOTICE** that, upon the Declaration of Helen Davis Chaitman, dated December 28, 2010, the accompanying Memorandum of Law, and on all the proceedings heretofore had herein, Diane Peskin, Roger Peskin, and a non-exclusive group of other customers of Bernard L. Madoff Investment Securities LLC as listed on Exhibit A to the Chaitman Declaration (the “Movants”), by their undersigned counsel, hereby move the Court at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be determined by the Court, for an Order pursuant to Federal Rules of Bankruptcy Procedure 8001(b) and 8003: (1) granting them leave to appeal the December 14, 2010 order (Doc # 3474) of the United States Bankruptcy Court for the Southern District of New York Approving Applications for Allowance of Interim Compensation for Services Rendered and Reimbursement of Expenses (the “Order”)

to the extent that the Order granted the fifth applications for interim compensation of Irving H. Picard, Trustee, and his counsel, Baker & Hostetler LLP, and (2) granting such other and further relief in the Movants' favor as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Federal Rule of Bankruptcy Procedure 8003(a), answering papers are to be served within fourteen days after service of this motion.

December 28, 2010

BECKER & POLIAKOFF LLP

By: /s/ Helen Davis Chaitman  
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